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ABSTRACT

Teachers have a special trust with students that includes not taking advantage of or abusing them. To ensure that sexual abuse is handled correctly in the school system, a policy must be adopted that requires employees to report incidences of abuse and make sure that the reporting requirement is balanced against the accused individual's rights. From a legal perspective, almost every state requires reporting of suspected instances of child abuse. The adopted policy must be communicated to all teachers, staff, students, and parents. Prompt but confidential investigation of any claims is recommended. Suggested procedures, liabilities for failure to perform duties, and the role of board members are outlined. The Ohio Revised Code on child abuse, a sexual abuse fact sheet, and newspaper article are included. (EJS)

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STUDENT SEXUAL ABUSE- AN ADMINISTRATIVE NIGHTMARE

PRESENTED
MARCH 3, 1991
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SESSION INFORMATION SHEET

TITLE: Student Sexual Abuse - An Administrative Nightmare
DESCRIPTION: Learn to recognize symptoms of student sexual abuse, deal with allegations against school staff and provide staff inservice.
FUNCTION NUMBER: 334*
DATE: Sunday, March 3, 1991
TIME: 12:30 p.m. to 1:30 p.m.
FACILITY: NOCC
ROOM: 27
ROOM CAPACITY: 132
AUDIO-VISUAL REQUIREMENTS: Overhead Projector and Screen
Video Cassette Player with Monitor - 1/2' VHS
4 mikes (2 table, 1 table lectern, 1 lav.)
SET-UP: T/S, h/t for 5 & table lectern
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STUDENT SEXUAL ABUSE: AN ADMINISTRATIVE NIGHTMARE

---It is a pleasure to be here today and discuss a very important topic---A topic that has a very, very significant impact on students, their families, teachers, and school administrators. The issue that I will address today is generally a unique situation----one that does not happen often and yet one that if it happens only once--it has occurred too often-- and that issue is student sexual abuse by a teacher or other school employee. The result of this type of event is often a nightmare for the student and school officials. Today, I will talk about teacher sexual abuse cases and one case specifically that I was involved in-- and discuss what I believe is important for Administrators to do about sexual abuse. Finally, I want to give you some observations that I have made from my experience with employee sexual abuse of students.

A. Teachers have a special trust with students and this very special trust includes several areas:

1. One is to keep in confidence items of personal information discovered in the student-teacher relationship.

2. Another is to not discuss academic or learning problems with inappropriate individuals or groups

3. A third is to not personally profit or benefit from a student-teacher relationship.

4. A fourth--and the subject of todays talk--is to not take advantage of students and abuse them. Any abuse--including sexual abuse--is a violation of the trust given us as educators and does extensive harm to the student involved.

a. Sarah Overstreet in a newspaper article entitled, "WHEN TEACHERS BETRAY THEIR STUDENTS" Said,

"At FIRST I DIDN'T RECOGNIZE HIM AS HE STOOPED OVER THE COUNTER OF THE CONVENIENCE STORE. HE WAS SLIGHTER THAN I REMEMBERED AND SEEMED SHORTER. I REMEMBERED HIM AS TALL AND STRAPLING....I KNEW HE DIDN'T REMEMBER ME AS HIS STUDENT 20 YEARS AGO.

A FEW YEARS AFTER I GRADUATED, I LEARNED HE HAD BEEN HAVING AN AFFAIR WITH ONE OF HIS STUDENTS.... I WAS SHOCKED THEN, BUT EVEN MORE SO LATER WHEN I LEARNED THEIRS HADN'T BEEN THE ONLY TEACHER-STUDENT SEXUAL RELATIONSHIP AT MY SCHOOL....

I WOULD NEVER HAVE SUSPECTED. I BELIEVED OUR TEACHERS HAD OUR BEST INTERESTS AT HEART, OR ELSE THEY WOULDN'T BE TEACHERS. AND WHILE I MIGHT NOT HAVE KNOWN MUCH ABOUT AFFAIRS THEN, I SENSED THAT HAVING SEX WITH A STUDENT WOULD HAVE BEEN A VIOLATION OF THIS TRUST.

AS I WATCHED MY FORMER TEACHER SHUFFLE OFF IN THE DARK, WHAT ON EARTH HAD HAPPENED TO HIM WASN'T THE ONLY QUESTION IN MY MIND. I THOUGHT OF THE TIME I WAS A JUNIOR IN HIGH SCHOOL AND IDOLIZED HIM. I WAS A CUTE KID WHO WORKED HARD AND WAS EAGER TO PLEASE. I WAS ALSO EMOTIONALLY FRAGILE, A CONFUSED CHILD FROM A TROUBLED HOME. IF I HAD BEEN THE ONE HE HAD TAKEN A SEXUAL INTEREST IN, I DON'T KNOW IF I WOULD HAVE EVER RECOVERED FROM THE DAMAGE.

B. I believe that the impact of sexual abuse on students is very traumatic and has long lasting effects. And for this and other reasons sexual abuse of students by teachers happens too frequently and should not be tolerated.

1. My own personal experiences over 15 years as a superintendent includes several incidences of student sexual abuse.

a. First month as a superintendent in Celina,Ohio in 1973 a male counselor had a female student in his trailer drinking beer and reportedly attempted to seduce the student.

b. A married Band director in a suburban Columbus, Ohio district who, in the late 1970's was caught on several occasions with a junior female band member. The last time he was picked up by the police a few hours past midnight with the student in his car.

c. A substitute teacher who fondled elementary students and he had a previous conviction for child molestation.

d. And most recently a teacher/administrator in Gallia County who had a history of sexually abusing students and finally was charged with raping a student

C. These experiences have provided me with some firm ideas about what to do when this special trust is broken by a teacher or other staff member and what to do to make sure that sexual abuse is handled correctly in your school system?

1. 1st there must a Board policy that requires employees to report incidences of abuse--all abuse including sexual abuse must be reported by employees--Initially to the building principal-then to the superintendent--to the Board of Education-- and finally to Children's services

a. Ohio Law requires that staff members be inserviced on child abuse.

b. Most states also have reporting requirements in their laws-Ohio has such a law

c. This law and its requirements as well as the Board's policy must be made known to the staff. Teachers must know that they are required to report abuse.

d. In Ohio we can check the criminal record of staff members and this is something we need to do to prevent individuals who have been convicted of sexual offenses and other felonies of being placed in a position of trust.

D. The legal reporting requirement must be balanced against the rights of the individual who the complaint is lodged against. As we all know there are times that unjust charges are filed and just filing the charges can ruin a teacher's or an administrator's career. For example, not long ago I heard a radio newscast that reported a forty year old Vermillion, Ohio football coach was being arraigned for sexual touching of a 17 year old student. The point is that by bringing the charges and having news reports there has been irreparable damage to the coach, whether he is guilty or not.But, on the other hand, we must be careful to not sweep the allegations under the rug and not deal with the problem as we know has been done in many cases in the past.

1. Brooklyn City Schools,Ohio had three administrators indicted for not reporting sexual abuse that had occurred several years previously. The woman who reported the incident was 31 years old and she complained of abuse by a band director in the 1960's.

2. In Stoneking v. Bradford Area School District(PA.) the U.S.

Supreme Court ruled that principals are not immune in teacher misconduct cases. The case was one in which civil action was brought by Stoneking for alleged sexual misconduct by a band director which occurred from the time Stoneking was a sophomore in high school until she was a senior. Sexual relations occurred at school and at the director's home and the director used intimidation to prevent the situation being reported. This was not the only sexual liaison by the band director and the principal and assistant principal knew this. Also, another teacher in the same school had sexually abused students and this was known by the administrators:

> "Rejecting a claim of qualified immunity, the court... held that the student could sue the school principal and assistant principal for actions that may have condoned or authorized the teacher's conduct. The court held that an independent basis of liability was asserted in the student's allegations that the principal and assistant principal had created a climate which at a minimum facilitated sexual abuse of students by teachers in that they had received at least five complaints of sexual assaults by teachers at the school, had concealed the complaints or discouraged students from pursuing them and had continued to give the teachers involved excellent evaluations."

E. From these cases it is clear that there is an obligation for school administrators to report and deal with sexual abuse by staff members. But in reporting sexual abuse we can create a nightmare for administrators. Why do I say this? Well lets revisit the case of the teacher-administrator in Gallia County.

1. School Nurse wanted to see me in late May 1988
2. Visited school and discovered several things

a. The incident happened in March and it was not reported to me until the end of May-Although we had a policy which required the principal to report the incident to the superintendent-he did not!

b. The alleged rape victim was the daughter of the central office receptionist and the granddaughter of a board member.

c. The alleged rapist was the son of a former Board member and his father was then a member of the County Commission. Further, the principal of the school was a cousin to the alleged rapist.

d. The girl reported the incident to a substitute teacher who told the school nurse and counselor. The principal at the request of the alleged rapist brought the victim and the alleged rapist into a meeting with himself and the school counselor.

e. In this meeting the victim denied that she had been raped but in a subsequent meeting with me and the counselor she reported that she was raped.

3. Mr. Richard Ross, the attorney here today, was hired by the Board to investigate the incident and he reported back to the Board that he believed that there was sufficient evidence that the alleged incident had occurred to warrant further hearings.

a. As a result the employee was suspended without pay after his due process hearings. By this time 5 other girls had come forward to testify about sexual misconduct and this information was corroborated by teachers in the school system.

b. A hearing officer was appointed by the State Superintendent and hearings were held in Jan. of 1989

c. Two weeks of testimony was heard and some 60 witness were presented. The defense was to try to destroy the credibility of the girls and impune their morals.

d. The hearing officer recommended the termination of the teacher-administrator.

e. The Board voted 3-1-1 to terminate the contracts of the teacher and the case is now under appeal to the Court of Common Pleas.

4. There was a tremendous amount of dissension and damage from this case and this is why it is an administrative nightmare.

a. Divides the teaching staff

b. Divides the Board

c. Divides the administrative staff

d. Divides the community

e. Affects Board elections

f. Creates a bad image for the school district.

g. Many victims-nurse, counselor, director of personnel, the victim and her family, and the girls who testified. There were threats telephone calls late at

rumors, and innuendo. People changed jobs, assignments, and families moved as a result of this situation. The victim had to leave the state to finish her education.

F.So what would I recommend and is it worth the difficulty and trouble to deal with student sexual abuse.

1. The first thing that must be done is to investigate the allegation to make sure there is substance to the charge before acting-Make sure! But remember less than 1%of children make false report about sexual abuse..

2. My second recommendation is to get a resignation if at all possible.In the other cases cited I did get a resignation and even though the teacher may be popular (often band director or other high profile person). But you must not make a deal to not report the incident to the proper authorities--this would be sweeping the issue under the rug and would open you to legal suits.

3. Thirdly, If you are unable to get a resignation---then I believe that you must deal with the issue. It will be unpleasant and there will be adverse publicity to your school district but I believe legally and ethically we have no other option.

4. As a good friend told me when this was going on "If you can't trust the superintendent to make the schools safe who can you trust."

STUDENT SEXUAL ABUSE;
AN ADMINISTRATIVE NIGHTMARE - LEGAL PERSPECTIVE

Presented by: Richard W. Ross

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I. INTRODUCTION

A. Scope of the problem.

B. What can you expect if allegation of sexual abuse is made within your school district.

II. REPORTING OF ABUSE

Almost every state requires, by law, that school administrators, teachers and other professionals report suspected instances of child abuse/neglect. See, for example, Ohio Revised Code Section 2151.421 (a copy is attached).

A. Obligation to report suspected child abuse.

Ohio law imposes the affirmative duty on a wide variety of professionals including, among others, every school teacher, school employee and school authority, who is acting in his official or professional capacity, to report known or suspected child abuse of any child under 18 years of age.

B. Seeming reluctance of educators to report instances of abuse.

Statistics show that only 10% of the cases of abuse and neglect are reported by educators. This reluctance to report arises out of a variety of factors:

1. lack of diagnostic expertise

2. impairment of teacher/student or teacher/parent relationships

3. fear of legal liability

4. lack of awareness of procedure to be used to report suspicions

5. loyalty to co-worker

D. Immunity for good faith report.

Most states provide that anyone participating in the making of reports or anyone participating in a judicial proceeding resulting from their reports, shall be immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. See Ohio Revised Code § 2151.421(G) (copy attached). Ohio courts have determined that this immunity is absolute, even if the report was false and made in bad faith. Bishop v. Ezzone, unreported Case No. WD-80-63, Wood County Court of Appeals (June 26, 1981) and Hartley v. Hartley, 42 Ohio App.3d 160 (1988).

III. SCHOOL DISTRICT REACTION

A. Prevention.

All school districts should have clearly defined school board policies on child abuse. Formal policies should be established for reporting suspected child abuse and policies should be widely publicized to all district personnel. Education personnel must know how to identify suspected cases of abuse. Furthermore, educators, as well as students, need to know how to report suspected cases of abuse, who to report to, and where any such reports should be filed.

B. Training.

Ohio law has imposed upon school districts a responsibility of in-service training with respect to child abuse prevention.

1. Ohio Revised Code § 3319.073 (copy attached) provides that a board of education shall develop a program of in-service training for persons employed as school nurses, teachers, counselors, psychologists, or administrators. Such persons employed in an elementary school shall complete at least four hours of in-service training within three years of commencing employment with the school district.

2. Ohio Revised Code § 3313.60(A)(5)(d) (copy attached) provides that all students in grades kindergarten through 6 must receive as part of the required course of study, instruction in personal safety and assault prevention. Parents may opt out of this requirement by written request.

C. Administrative action.

1. dismissal

2. resignation

3. the criminal vs. the civil proceeding

4. problems of evidence and proof

5. the school community

IV. SUGGESTED PROCEDURES

A. From the school's perspective.

1. If you don't have a policy - adopt one.

2. Publicize the policy and communicate it to all teachers, staff, students and parents.

3. Handle each claim carefully and seriously.

4. Promptly but confidentially investigate the claim.

5. Document, document, document.

6. Decisions should be made carefully at the highest level of administration.

7. If corrective actions are determined - be prompt and complete.

8. All employees must know that sexual harassment is outside the course and scope of employment and will not be tolerated.

B. From the student's perspective.

1. Should be made aware of the policy and encouraged to tell the "harasser" that the conduct is unwelcome.

2. Students should know to whom they may complain.

3. Students should be encouraged to document any sexual harassment.

4. Essential to have relationship with community resources to provide counseling in case of suspected abuse.

V. LIABILITY FOR FAILURE TO PERFORM DUTY

A. Criminal penalties.

Ohio law provides that anyone that violates the duty imposed by Revised Code § 2151.421 to report known or suspected child abuse is guilty of a fourth degree misdemeanor. A fourth degree misdemeanor is punishable by imprisonment for not more than 30 days and a fine of not more than $250. Other sections of Ohio law provide that no public servant shall recklessly fail to perform a duty expressly imposed by law with respect to his office. A "public servant" is broadly defined and does include a teacher or school administrator. Violation of this statute is a second degree misdemeanor punishable by imprisonment of not more than 90 days and a fine of not more than $750.

B. Civil damage actions.

1. Common law torts such as negligence or malpractice

2. Federal civil rights statutes protecting the right to receive an education or the right to bodily integrity.

3. Liability as a supervisor.

VI. CONCLUSION

There are a few circumstances that can lead to the destruction of a school employee's career quicker than his/her participation in an improper relationship with a student. Not only may such conduct have a devastating and long-standing effect on the student, but the conduct is criminal and most certainly grounds for contract termination. Educators are in a unique situation which permits the unscrupulous individual to use his/her position of trust for improper purposes. While this sort of thing occurs rarely, educators should periodically be cautioned about developing improper relationships. Administrators on the other hand should be cognizant of the potential for trouble and act immediately if any suspicion arises. Although most states provide for some third party to become involved in the investigation and decision as to whether abuse occurred, for example, a Children Services Board or an independent referee in a teacher contract termination proceeding, ultimately the school administrator and the board of education of each school district must make the final decision with regard to the manner in which to proceed when an allegation of sexual abuse arises. The decision is often difficult and complex, however, you must look yourself in the mirror each morning.

Role of a Board Member

1. Need to be informed: As a Board Member, the need to be accurately informed concerning the accusation against the teacher was extremely important. As a Board Member I had to feel that the statements being relayed to us were as complete as possible.

2. Need to remain impartial: It was imperative that Board Members not make their decision based upon anything but the facts and not rely on rumors in the community.

3. Need to follow accepted procedure: After determining that there was enough evidence to justify proceeding with the next step of termination, it became even more important to make sure all the rights of employee were being guaranteed, while at the same time insuring the welfare of the children.

4. Need to let the process work: After the resolution of intent to terminate was passed, the next step involved the presentation of evidence to a mutually agreed upon referee. During this process, as a Board Member I tried to remain out of the process as much as possible except for being updated on the status of the proceedings. I knew the Board would have to accept or reject the referee's finding at the next step in the termination process and I wanted it to be clear that I was maintaining a open mind concerning the evidence the referee was considering.

5. Need to thoroughly review the referee 's decision and the evidence upon which he based his decision: This involved reading the approximately 3000 pages of the entire proceedings and then deciding to accept the referee's decision which affirmed the Board's decision of intent to terminate. At that point, the Board proceeded to terminate the employees contract.

In summary, a Board Member must be:

1. Informed
2. Impartial
3. Willing to follow procedure
4. Willing to let the process work
5. Willing to thoroughly review the evidence

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I. THE ASSIGNMENT
   A. Job description for the Personnel/Communications Director in a small school district

II. THE INVESTIGATION
   A. Gathering information
   B. Building trust
   C. The interview
   D. Documentation

III. RECOMMENDATION TO THE SUPERINTENDENT
   A. Summary of findings
   B. Check your resume

[§ 2151.42.1] § 2151.421 Report of child abuse or neglect; investigation; plan of cooperation.

(A)(1) No attorney, physician, including a hospital intern or resident, dentist, podiatrist, practitioner of a limited branch of medicine or surgery as defined in section 4731.15 of the Revised Code, registered nurse, licensed practical nurse, visiting nurse, other health care professional, licensed psychologist, licensed school psychologist, speech pathologist or audiologist, coroner, administrator or employee of a child day-care center, administrator or employee of a certified child care agency or other public or private children services agency, school teacher, school employee, school authority, social worker, or person rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion, who is acting in his official or professional capacity and knows or suspects that a child under eighteen years of age or a physically or mentally handicapped child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to immediately report or cause reports to be made of that knowledge or suspicion to the children services board, the county department of human services exercising the children services function, or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.

(2) An attorney is not required to make a report pursuant to division (A)(1) of this section concerning any communication made to him by one of his clients in the attorney-client relationship, if, in accordance with division (A) of section 2317.02 of the Revised Code, the attorney could not testify with respect to that communication in a civil or criminal proceeding, except that the client is deemed to have waived any testimonial privilege under division (A) of section 2317.02 of the Revised Code with respect to that communication and the attorney shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client, at the time of the communication, is either a child under eighteen years of age or a physically or mentally handicapped person under twenty-one years of age;

(b) The attorney knows or suspects, as a result of the communication or any observations made during that communication, that the client has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client;

(c) The attorney-client relationship does not arise out of the client's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(3) A physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication made to him by one of his patients in the physician-patient relationship, if, in accordance with division (B) of section 2317.02 of the Revised Code, the physician could not testify with respect to that communication in a civil or criminal proceeding, except that the patient is deemed to have waived any testimonial privilege under division (B) of section 2317.02 of the Revised Code with respect to that communication and the physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The patient, at the time of the communication, is either a child under eighteen years of age or a physically or mentally handicapped child under twenty-one years of age;

(b) The physician knows or suspects, as a result of the communication or any observations made during that communication, that the patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the patient;

(c) The physician-patient relationship does not arise out of the patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(B) Anyone, who knows or suspects that a child under eighteen years of age or a physically or mentally handicapped child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child, may report or cause reports to be made of that knowledge or suspicion to the children services board, the county department of human services exercising the children services function, or to a municipal or county peace officer.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith by telephone or in person forthwith, and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and his parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's known or suspected injuries, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect.

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Any person, who is required by division (A) of this section to report known or suspected child abuse or child neglect, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) Upon the receipt of a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, the municipal or county peace officer who receives the report shall refer the report to the appropriate county department of human services or children services board.

(E) No child about whom a report is made pursuant to this section shall be removed from his parents, his stepparents, his guardian, or any other persons having custody of the child by a municipal or county peace officer without consultation with the children services board or the county department of human services exercising the children services function, unless, in the judgment of the reporting physician and the officer, immediate removal is considered essential to protect the child from further abuse or neglect.

(F) The county department of human services or children services board shall investigate, within twenty-four hours, each report of known or suspected child abuse or child neglect and of a known or suspected threat of child abuse or child neglect that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency. The county department of human services or children services board shall report each case to a central registry which the state department of human services shall maintain in order to determine whether prior reports have been made in other counties concerning the child or other principals in the case. The department or board shall submit a report of its investigation, in writing to the law enforcement agency.

The county department of human services or children services board shall make any recommendations to the county prosecutor or city director of law that it considers necessary to protect any children that are brought to its attention.

(G) Anyone or any hospital, institution, school, health department, or agency participating in the making of reports under this section, or anyone participating in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(H)(1) Any report made under this section is confidential.

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(I) Any report that is required by this section shall result in protective services and emergency supportive services being made available by the county department of human services or children services board on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The department of human services shall exercise rule-making authority under Chapter 119. of the Revised Code to aid in the implementation of this section.

(J) There shall be placed on file with the juvenile court in each county and the department of human services an initial plan of cooperation jointly prepared and subscribed to by a committee consisting of the county peace officer, all chief municipal peace officers within the county, the prosecuting attorney of the county and the director of law of each city, and the children services board or county department of human services exercising the children services function as convened by the county director of human services. The plan shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (B) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code. The plan shall include a system for cross-referral of reported cases of abuse and neglect as necessary, and also shall include the name and title of the official directly responsible for making reports to the central registry.

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§ 3313.60 Courses of study required.

(A) Boards of education of county, exempted village, and city school districts shall prescribe a graded course of study for all schools under their control subject to the approval of the state board of education. In such graded courses of study there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;

(c) Venereal disease education, except that upon written request of his parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of his parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of his parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Every school shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history.

(C) Every high school shall include in the requirements for graduation from any curriculum one unit of American history and government, including a study of the constitutions of the United States and of Ohio.

(D) Basic instruction in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, united nations, world government, socialism and communism.

[§ 3319.07.3] § 3319.073 In-service training in child abuse prevention.

The board of education of each county, city, and exempted village school district shall develop, in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training for persons employed by any school district to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator. Each person employed by any school district to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of in-service training in child abuse prevention within three years of commencing employment with the district.

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SEXUAL ABUSE FACT SHEET

Sexual abuse includes any contacts or interactions between a child and an adult in which the child is being used for the sexual stimulation of the perpetrator or another person. Sexual abuse may also be committed by a person under the age of 18 when that person is either significantly older than the victim or when the perpetrator is in a position of power or control over another child.

(taken from The Educator's Role in the Prevention/
Treatment of Child Abuse DHHS '84)

*****One in four children, including boys and girls, will be victims of sexual abuse before age 18 regardless of their racial, religious, cultural, or socioeconomic backgrounds.

*****The average victim is between 8-10 years old; however, statistics indicate increasing numbers of younger first-time victims.

*****At least 80% of the children know the offender; at least 50% of those offenders are from the child's extended family.

*****An estimated 50% of the victims are molested in their own home or in the offender's home.

*****Of reported offenders, 97% are male.

*****Of reported offenders, about 90% have been victims themselves of physical or sexual abuse as children.

*****Less than 1% of children make false reports of sexual abuse; children do not lie or fantasize!

*****Incestuous relationships are rarely one-time occurrences; the average length of a relationship is 3 years.

*****Most victims tell in some way at least one adult but are not believed or the cues go unnoticed.

*****Abusing drugs/alcohol, running away from home, prostitutionn, and/or suicide attempts may be symptoms of a sexually abused adolescent.

*****Sexual abuse, without intervention and treatment, often results in serious short and long term physical, emotional, behavioral, and/or social effects. It may become generational with the victim either marrying an abuser or becoming an abuser.

*****A professional working in any capacity with children is required by State law to report immediately <u>any suspicion of abuse</u> to the Department of Human Services or Child Protective Services.

Questions may be directed to 678-HELP or 1-800-533-HELP
296-CARE or 1-800-4-A-CHILD

When teachers betray their students

Sarah Overstreet

At first, I didn't recognize him as he stooped over the counter of the convenience store. He was slighter than I remembered and seemed shorter. I remembered him as tall and strapping.

When I did recognize him and spoke, his eyes narrowed and tried to focus. "Oh, sure, Sarah," he said, but I knew he didn't remember me as his student from 20 years ago. We walked out of the store, and I asked him if he was still teaching.

"No, not any more. I was working at a nursing home, but I lost that job. But I think I'll be teaching again, soon." With that, he stood up, squared his shoulders, turned and walked across the parking lot toward a street filled with cheap apartments. I could hardly believe my eyes. What had happened to him? He had been such a lively and dedicated teacher, even if his temper had become explosive during my senior year.

A few years after I graduated, I learned he had been having an affair with one of his students that year. I was shocked then, but even more so later when I learned theirs hadn't been the only teacher-student sexual relationship at my school. The information came from reliable sources — one, a fellow teacher who discovered the affair and testified in the teacher's husband's child-custody suit; and the other, a fellow student who had helped her good friend hide the relationship.

I would never have suspected. I believed our teachers had our best interests at heart, or else they wouldn't be teachers. And while I might not have known much about affairs then, I sensed that having sex with a student would have been a violation of that trust.

Even after I learned what had happened at my high school, I didn't expect that during my four years as a teacher, there would be more instances of teachers having affairs with their students. There were.

Since then, other teachers have told me of such relationships, and of administrators who swept the incidences under the rug, rather than face the repercussions if the knowledge got out.

Last month, an Illinois band teacher was sentenced to four years probation and counseling after having an affair with one of his students. He resigned his teaching job. The girl's parents say that since the man's arrest, their daughter has been miserable and her grades have suffered. The chief prosecutor in the case argued the man should have been sent to prison.

I can't say I know what an appropriate sentence would be for a teacher who has a sexual relationship with a student, even though the behavior enrages me. What I do know is how vulnerable children are, and how they look up to their teachers. I think some of these offending teachers may delude themselves into thinking they are dealing with fellow adults just because these children's bodies may look adult. Perhaps they have forgotten what it is like to be an adolescent, when an attractive teacher becomes an idealized hero almost on the order of a TV star.

If this is so, then we need to cover the subject more thoroughly in teachers' colleges, so these teachers will fully understand the implications of having sex with their students. After that, I am not opposed to prison for offenders. If becoming educated about what this does to children is not enough, then punishment severe enough to stop it is the only option left.

As I watched my former teacher shuffle off in the dark, what on earth had happened to him wasn't the only question in my mind. I thought of the time I was a junior in high school and idolized him. I was a cute kid who worked hard and was eager to please. I was also emotionally fragile, a confused child from a troubled home. If I had been the one he had taken a sexual interest in, I don't know if I would have ever recovered from the damage.